THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

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W.P.No. 11694 of 2006

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Dated : 20-06-2006

Between:

Dr.A. Kanthi Sagar.

..Petitioner.

and

The Government of Andhra Pradesh, rep. by its Principal Secretary, Health Medical & Family Welfare (E2) Department, Secretariat Buildings, Hyderabad and another.

..Respondents.

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.No. 11694 of 2006

ORDER:

The petitioner, who is selected to the course of M.D. in Bio-Chemistry, filed this writ petition seeking a writ of mandamus to declare the action of the respondents in insisting him to give sureties for an amount of Rs.20,00,000/- .

It is the case of the petitioner that as an in-service candidate, he is admitted to M.D. course of Bio-Chemistry. It is his further case that he belongs to Schedule Tribe and he is unable to give such sureties.

But, however, the learned Government Pleader brought to my notice that admissions are governed by statutory rules framed under Section 3 r/w sub-section (1) of Section 15 of the Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) Act, 1983. The said rules framed earlier were amended by orders in G.O.Ms.No.122, dated 13-04-2006 published in Andhra Pradesh Gazette on 17-04-2006. In terms of the amended rule, the in-service candidate, who is selected for Post-Graduation course, shall serve for a period of five years in the Government Service after completing his post graduation course and in case of default, he/she shall compensate the Government with a tune of Rs.20,00,000/- . Annexure-II is also part of the rules in terms of the amended rules. In the Annexure, the proforma undertaking is to be furnished on a non-judicial stamp paper for Rs.100/- with two sureties. In view of the said provision in the rules, mere inability of the petitioner to secure such sureties is not a ground to exempt such a formality, which is required under law and it is only the nature of a bond given by the candidate with two sureties as per the prescribed proforma in Annexure-II.

In that view of the matter, it cannot be said that such insistence by the respondents is illegal or arbitrary, which warrants interference by this Court under Article 226 of the Constitution of India. Hence, the Writ Petition is devoid of merit and is accordingly, dismissed. No order as to costs.

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R. SUBHASH REDDY, J

Dated:20-06-2006.

sj